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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,503	02/17/2004	James Thomas DellaMorte SR.	104195-0013	7869

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,503

Applicant(s)

DELLAMORTE ET AL.

Examiner

William J. Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,175,634 (Graumann) in view of U.S. Patent No. 6,662,211 (Weller).

With respect to claims 1 – 2, Graumann teach the claimed limitations as can be seen at Col. 4, lines 32 – 53, Col. 5, lines 1 – 22, Col. 5 line 37 – Col. 6, line 65, Col. 7, line 44 – Col. 8, line 15, Col. 9, line 7 – Col. 10, line 15 and Figs. 1B, 3, 4A – 4C, 5, 7, 10, 11, 13 and 14. What Graumann does not explicitly teach is selecting the N loudest speakers. However, Weller teaches such in Fig. 5. It would have been obvious to one of ordinary skill in the art to have incorporated the step of selecting such N loudest speakers (if not inherent in Graumann) as disclosed by Weller into the Graumann device in order that not all attendees be summed.

Claims 1 – 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,175,634 (Graumann) in view of U.S. Patent No. 6,662,211 (Weller) and further in view U.S. Patent Application No. 2003/0185369 (Oliver et al.).

As shown above Graumann and Weller teach the claimed device except for explicitly disclosing DTMF clamping. However note Paragraphs 0053, 0060 and claims 6 and 20 of Oliver et al. It would have been obvious to one of ordinary skill in the art to

Art Unit: 2642

have incorporated such DTMF clamping as disclosed by Oliver et al. into the Graumann/Weller method in order to have a better quality signal.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,269,161 (McLaughlin et al.) – note Abstract and Figs.;

U.S. Patent No. 6,175,634 (Graumann) – note Abstract and Figs.;

U.S. Patent No. 5,724,416 (Foladare et al.) – note Abstract and Figs.;


U.S. Patent Application No. 2005/0143989 (Jelinek) – note Abstract and Figs.;

and

U.S. Patent Application No. 2003/0185369 (Oliver et al.) – note Abstract and Figs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

03Sep2005


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER